

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FRANCISCO X. FERNANDEZ,

*

Plaintiff,

*

v.

*

C.A. No. 05-265-SLR

ALBERTO GONZALES,

*

UNITED STATES ATTORNEY GENERAL.

TRIAL BY JURY REQUESTED

*

Defendant.

...oOo...

DECLARATION OF JOHN R. McCARTY

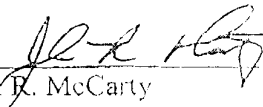
1. I, John R. McCarty, make the following declaration in accordance with 28 U.S.C. § 1746. I am aware that this declaration may be filed in the United States District Court for the District of Delaware, and that this declaration is the legal equivalent of a statement under oath.

2. I am currently the Special Agent in Charge ("SAC") of the Drug Enforcement Agency's ("DEA") Office of Training in Quantico, Virginia. I am familiar with Special Agent Francisco Fernandez's ("SA Fernandez") allegations of discriminatory conduct arising out of his non-selection for a GS-14 position. During the time period covering the allegations alleged in SA Fernandez's Complaint, I was the Executive Secretary of the DEA's Career Board located at 700 Army Navy Drive in Arlington, Virginia. As Executive Secretary of the DEA's Career Board, I was responsible for organizing data for GS-14/15 promotion applicants, served as the contact between DEA management and employees regarding Career Board policies and procedures, coordinated the processing of applications for the Special Agent Promotion Program ("SAPP"), and I served as a non-voting member of the Career Board.

3. As indicated in the declaration dated November 9, 2005, all personnel records of DEA employees, including SA Fernandez's personnel records, are maintained and administered in Arlington, Virginia. It is possible that some Field Divisions maintain a "working" copy of an employee's personnel file, which may include time and attendance records, accolades, and other "day-to-day" records, but the working copy is not the Official Personnel File ("OPF") of the DEA employee and is not complete. All OPFs of DEA employees are maintained and administered in Arlington, Virginia.

I declare under penalty of perjury that the above statement is true and correct to the best of my knowledge and belief.

Executed this 25th day of December, 2005.



John R. McCarty
Special Agent in Charge
Office of Training
Drug Enforcement Administration